



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5.

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

(AE-17J)

AUG 04 2005

Mr. Drew Heideloff  
Transmetco, Inc.  
1750 E. Riverfork Drive  
Huntington, Indiana 46750

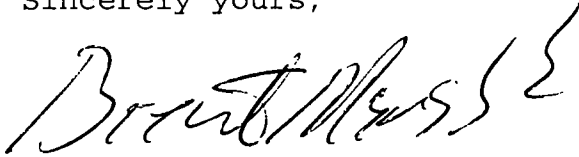
Dear Mr. Heideloff:

Thank you for your letter dated March 21, 2005 requesting an extension of the 90-day stack testing deadline for dioxins and furans in a natural gas-fired sweat furnace at Transmetco, Inc. (Transmetco) in Huntington, Indiana. The sweat furnace is subject to 40 C.F.R. Part 63, Subpart RRR. Testing of the furnace under normal conditions of full capacity is required by March 13, 2005. Transmetco has informed the United States Environmental Protection Agency (U.S. EPA) that the plant is unable to operate under normal working conditions due to issues regarding furnace refractory problems, an undersized burner gas orifice and an oversized furnace choke resulting in a substantial restricted feed rate.

In the letter dated March 21, 2005, a request is made to extend the stack testing deadline by 180 days. In a phone conversation between Brent Marable, of the Air Enforcement and Compliance Assurance Section (IL/IN), and Drew Heideloff, of Transmetco, it was stated that Transmetco would perform the stack testing on the sweat furnace by the end of July or mid August of this year. Testing is to be completed by August 20, 2005. This is acceptable to the U.S. EPA and Administrative Order EPA-5-05-113(a)-11-IN is enclosed.

Again, thank you for your letter. If you have further questions, please contact me or Ms. Monica Onyszko of my staff at 312-353-1539.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Brent Marable", followed by a large, stylized flourish or checkmark-like stroke.

Brent Marable, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN) .  
Air Enforcement and Compliance Assurance Branch

Enclosure

Cc: David McIver, Chief  
Office of Air Quality  
Indiana Department of Environmental Management

Ed Crouse, TMC Representative  
Transmetco Corporation

standard bcc's: Official file w/attachment(s)  
Originator's file copy w/attachment(s)  
Originating organization reading file copy  
w/attachment(s)

other bcc's: Michael Berman, Attorney U.S. EPA Region 5

Creation Date:	August 2, 2005
Filename:	A:\Transmetco.Furnace.8.2.05
Legend:	ARD:AECAB:AECAS(IL/IN): M. Onyszko

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Transmetco, Inc.	)	<b>Administrative Order</b>
Huntington, Indiana	)	
	)	<b>EPA-5-05-113(a)-11-IN</b>
Proceeding Under Section	)	
113(a)(3) of the Clean Air	)	
<u>Act, 42 U.S.C. § 7413(a)(3)</u>	)	
	)	

**Administrative Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Transmetco, Inc. (Transmetco) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

**Statutory and Regulatory Background**

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 et seq. (Secondary Aluminum Production NESHAP or Subpart RRR).

4. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1511(b), requires that the owner or operator must demonstrate initial compliance with each applicable emission equipment, work practice or operational standard for each affected source and emission unit and report the results in the notification of compliance status report as described in §63.1515(b). It also requires that the owner or operator of any new affected source for which an initial performance test is

required must conduct this initial performance testing within ninety (90) days after the date for compliance established by §63.1501(b).

5. The Secondary Aluminum Production NESHAP states at 40 C.F.R. § 63.1500(C)(1) that "the requirements of this subpart pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to the following affected sources, located at a secondary aluminum production facility that is an area source of hazardous air pollutants (HAPs) as defined in § 63.2: . . . (3) Each new and existing sweat furnace."

6. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1501(b), requires that the owner or operator of a new affected source that commences construction after February 11, 1999 must comply with all the applicable (NESHAP) requirements, including conducting an initial performance test by March 24, 2000, or upon startup, whichever is later.

7. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1512(f), states the owner or operator of a sweat furnace must measure emissions of D/F from each furnace at the outlet of the control device.

8. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the U.S. EPA, Region 5, Director of the Air and Radiation Division.

### **Findings**

9. Transmetco is a for-profit domestic corporation, doing business in Indiana.

10. Transmetco owns and operates a secondary aluminum production facility, as that term is defined by 40 CFR §63.1503, at 1750 E. Riverfork Drive, Huntington, IN 46750 (Huntington facility).

11. Transmetco owns and operates a sweat furnace, SF1 (sweat furnace), as that term is defined by 40 C.F.R. §63.1503, at the

Huntington facility. The Huntington facility is authorized in its Indiana Federally Enforceable State Operating Permit (FESOP) Number F069-19488-00067 for construction of two sweat furnaces. Construction on SF2 has not commenced, nor is it known when construction on it will commence. Thus, this Administrative Order applies only to the sweat furnace identified as SF1 in the Indiana FESOP.

12. The sweat furnace, SF1, has a production capacity of 2.5 tons of aluminum scrap per hour. It is equipped with an activated carbon pre-coat to control D/F emissions and a baghouse to control particulate emissions.

13. Sweat furnace, SF1, at the Huntington facility started operating on December 13, 2004 and it is considered to be a new construction source.

14. The Huntington facility is subject to the requirements of 40 C.F.R. Part 63 Subpart RRR, because the source is a new secondary aluminum process containing a Group 1 natural gas-fired sweat furnace.

15. The Huntington facility is a minor source or area source of HAPs because the potential to emit HAPs is limited to less than ten (10) tons per year for any single listed HAP and less than twenty five (25) tons per year of any combination of listed HAP, 40 C.F.R. §63.1500(f)

16. Under 40 C.F.R. § 63.1500(b), the sole natural gas-fired sweat furnace, SF1, is a new affected source and must comply with the applicable requirements, including testing and reporting, of Subpart RRR, upon startup.

17. Under 40 C.F.R. § 63.1511(b), initial performance testing of the sweat furnace for dioxins and furans was required on or before March 13, 2005.

18. Transmetco stated in a letter to U.S. EPA on March 21, 2005 that it could not conduct the required performance tests by the required date because the plant is unable to operate under normal working conditions due to issues regarding furnace refractory problems, an undersized burner gas orifice and an oversized furnace choke resulting in a substantial restricted feed rate.

19. Transmetco in its March 21, 2005 letter requested that U.S. EPA grant an extension of the D/F testing deadline.

#### **Compliance Program**

20. By August 20, 2005, Transmetco must conduct at the Huntington facility the required initial performance testing for dioxins and furans on the sweat furnace, SF1, demonstrating compliance with Subpart RRR.

21. Transmetco must submit to U.S. EPA, at the address listed below, copies of all reports required under subpart RRR that concern the performance testing required by this Order.

22. August 20, 2005 shall serve as the compliance deadline when determining deadlines for all reports (except for the performance test report) and notifications required by Subpart RRR for the sweat furnace, which is a new source.

23. Transmetco must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604.

#### **General Provisions**

24. This Order does not affect Transmetco's responsibility to comply with other local, state and federal laws and regulations.

25. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

26. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413.

27. Failure to comply with this Order may subject Transmetco to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 69 Fed. Reg. 7121

(Feb. 13, 2004)(amending 40 C.F.R. Part 19).

28. The terms of this Order are binding on Transmetco, its assignees and successors. Transmetco must give notice of this Order, if still in effect, to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Transmetco has given the notice.


29. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

30. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

31. Section 113 (a)(4) of the Act, 42 U.S.C. §7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving Transmetco an opportunity to confer with U.S.EPA concerning this Order. Transmetco may schedule a conference with U.S. EPA by Calling Monica Onyszko at 312-353-5139 within three days of Transmetco's receipt of this Order.

32. This Order is effective five days after Transmetco's receipt of this Order. This Order will terminate one year from the effective date, provided that Transmetco has complied with all terms of the Order throughout its duration.

8/4/2005  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division



CERTIFICATE OF FILING AND MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA-5-05-113(a)11-IN, by Certified Mail, Return Receipt Requested, to:


Drew Heideloff  
Transmetco, Inc.  
1750 E. Riverfork Drive  
Huntington, Indiana 46750

I also certify that a copy of the Administrative Order was sent by First Class Mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

Ed Crouse  
Transwheel Corporation  
3000 Yeoman Way  
Huntington, Indiana 46750

on the 8<sup>th</sup> Day of August 2005

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8909 6929